

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICHARD WINFREY, JR., and)	
MEGAN WINFREY)	
)	
Plaintiffs,)	CIVIL ACTION
)	NO.: 4:10-cv-01896
VS.)	
)	Jury
LENARD JOHNSON, et al.,)	
)	
Defendants.)	

ORAL DEPOSITION OF

MEGAN WINFREY

October 29, 2019

ORAL DEPOSITION OF MEGAN WINFREY, produced as a witness at the instance of the DEFENDANT, and duly sworn, was taken in the above-styled and numbered cause on the 29th of October, 2019, from 9:03 a.m. to 12:39 p.m., before David S. Smith, RPR, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Lewis Brisbois Bisgaard & Smith, LLP; 24 Greenway Plaza, Suite 1400; Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Job: 47185

MEGAN WINFREY

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1 A P P E A R A N C E S

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3 FOR THE PLAINTIFFS RICHARD WINFREY, JR.
4 AND MEGAN WINFREY:

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17

18

19 ALSO PRESENT:

20 Ms. Andrea Beard

21

22

23

24

25

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1 Q Do you think it was alcohol-related,
2 drug-related or you have no idea?

3 A I don't know.

4 Q All right. So you went to live with your
5 grandmother, and who did you live with with your
6 grandmother?

7 A My brother and sometimes my dad.

8 Q Your brother's name is Richard Winfrey, Jr.?

9 A Yes.

10 Q Do you only have one brother?

11 A Yes.

12 Q And am I correct that during the time that you
13 were living with your grandmother that your father was
14 in and out of jails and prisons? Would that be
15 accurate?

16 A Yes.

17 Q What's your understanding of the things that
18 your father has been arrested for?

19 A Drugs.

20 Q Is it your understanding that your father has
21 a dependency to drugs?

22 A Yes.

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23 Q Do you know what kind of drugs?

24 A Crack.

25 Q Do you know when it was in his life that your

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1 father began to have a dependency with drugs?

2 **A No, I do not.**

3 Q Approximately when in your life did you first
4 realize that your father had a drug dependency?

5 **A Probably when I was 6 or 7 because he didn't**
6 **have custody of me.**

7 Q What about Joyce Barry? Did she ever have any
8 kind of a substance-abuse issue?

9 **A No.**

10 Q So how long was it that you lived with
11 Joyce Barry and your brother?

12 **A Till I got married to my daughter's father**
13 **when I was 17. And then I moved back with her when I**
14 **was 18 until I was arrested.**

15 Q So is it the Coldspring Independent School
16 District or what school district did you go to around
17 Coldspring?

18 **A That one.**

19 Q Okay. Do they have a high school?

20 **A Yes.**

21 Q And I assume they have an elementary?

22 **A Yes.**

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23 Q What do they call the one in the middle?

24 **A Lincoln Junior High.**

25 Q And so when you were in junior high, did you

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1 have any kind of disciplinary issues at the junior high?

2 **A No. It was in high school.**

3 Q And what kind of disciplinary issues did you
4 get when you went to high school?

5 **A Dress code violations, I got caught smoking, I**
6 **got caught with an empty bottle of alcohol.**

7 Q Did anybody accuse you of selling any kind of
8 pills?

9 **A No.**

10 Q Did anybody accuse you of possessing any drugs
11 while you were at the school?

12 **A No.**

13 Q Did you get suspended any of those times for
14 disciplinary violations at school?

15 **A Yes.**

16 Q Approximately how many times did you get
17 suspended?

18 **A I don't know. Four, maybe. I don't know.**

19 Q Now, when you got these or had these
20 disciplinary issues at school, how was it that Ms. Barry
21 addressed them at home?

22 **A I'm sorry. How did she address the issues at**
23 **home? She would ground me.**

24 Q What did "ground" mean to you then?

25 **A Couldn't leave the house and I could not talk**

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1 on the phone or watch TV.

2 Q And when you got grounded, did you actually
3 comply with that being grounded or did you take action
4 to get around it?

5 A I mean, I was a kid; but I did comply because
6 she was always home. So she would probably break the
7 remote in a million pieces if I tried to watch it. I
8 don't know; but, yes, I did.

9 Q What age approximately did you start driving?

10 A I got my driver's license at 16, but Richie
11 drove me around everywhere. I really didn't -- okay.
12 So I started driving when I was 25 when I got out of
13 prison because I never had the opportunity.

14 Q But you got a driver's license when you were
15 16?

16 A Yes.

17 Q Did you go to driver's education?

18 A Yes, I did.

19 Q Did you have to do any driving with driver's
20 education?

21 A Yes.

22 Q When you say "Richie," that's your brother,
23 Richard Winfrey, Jr.; is that right?

24 A Yes.

25 Q Is that what you call him?

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1 that I met him.

2 Q How did you meet him?

3 A Over a phone call. I was talking to a friend,
4 and we just started talking on the phone.

5 Q Okay. So during the time that you were 16,
6 were you using alcohol?

7 A Yes.

8 Q Drugs?

9 A I smoked weed; so, yeah, drugs, I guess.

10 Q Any other drugs besides weed?

11 A No.

12 Q When you say "weed," that's marijuana?

13 A Yes.

14 Q I'm sorry. I have to ask silly questions
15 here. It's part of the job to make sure it's accurate,
16 all right?

17 So did you drink alcohol and smoke marijuana
18 in the presence of Christopher Hammond?

19 A Yes.

20 Q Did you ever drink alcohol before the age of
21 16?

22 A Yes.

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23 Q Approximately how old were you when you first
24 drank alcohol?

25 A 14.

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1 Q Approximately how old were you when you first
2 smoked marijuana?

3 A 14.

4 Q Did you have any boyfriends before you were
5 16?

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6 A I'm sure, but they are insignificant. So I
7 really don't...

8 Q Approximately what age were you when you had
9 your first boyfriend?

10 A I don't consider them boyfriends if I couldn't
11 date them, maybe just passing notes in school. So I
12 just don't know what to say to that.

13 Q Okay. Now, other than grounding you, did
14 Ms. Barry use any other form of discipline regarding
15 you?

16 A No.

17 Q Did Ms. Barry ever threaten to force you to
18 leave the house?

19 A No, not until I got pregnant with my daughter,
20 but...

21 Q So when you got pregnant with your daughter,
22 what was it that Ms. Barry said about that?

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23 A She told me that I could go live with him.

24 Q Did she tell you you must go live with him?

25 A In a heated moment, yes.

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1 And are you still married to Aaron Holt?

2 A Yes, I am.

3 Q Who lived -- from the time that you first
4 started living with Aaron Holt, who lived with you and
5 he?

6 A Me, him and my daughter Danielle.

7 Q And then ultimately you've had another child?

8 A Sara.

9 Q Sara --

10 A Uh-huh.

11 Q -- who was born in 2016. Anybody else who has
12 lived with you and Aaron other than Sara and Danielle?

13 A His brother and his wife lived with us for
14 about three months.

15 Q Anybody else?

16 A No.

17 Q All right. Did your husband's brother and his
18 family have any kind of drug or crime issues?

19 A No.

20 Q Did Aaron have any kind of drug or crime
21 issues?

22 A No. Maybe way in his younger day. Nothing
23 but drugs, no crime.

24 Q Any drug or crime problems in Aunt Vicky's
25 background that you are aware of?

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1 A 45 minutes. Oh, how long of a period? I
2 don't know. I don't remember.

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3 Q You don't know if you saw her once, more than
4 once or --

5 A Oh, yeah, I saw them more than once; but I
6 don't recall how long of a time -- I can tell you his
7 name.

8 Q All right. What's the name?

9 A Clayton Williamson.

10 Q And that's when you were on probation?

11 A Correct.

12 Q How long were you on probation?

13 A I don't remember that either.

14 Q What was the offense you were on probation for
15 then?

16 A For bringing tobacco to school too many times.

17 Q Were you smoking?

18 A Yes, uh-huh.

19 Q About what age did you start smoking?

20 A 14.

21 Q Any other mental health professionals that we
22 haven't --

23 A No.

24 Q -- talked about?
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25 A No.

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1 Q Certainly we're going to talk in detail about
2 your arrest that resulted in your conviction that you
3 filed your suit over. We talked about your probation
4 from the tobacco at school. Have you been arrested any
5 other times?

6 A Yes.

7 Q When?

8 A When I was 18, I got arrested for shoplifting.
9 I don't remember the dates. And then one time I went to
10 a bar and I was under age; so it was, like, a failure to
11 identify or something. I didn't have my driver's
12 license and that's it.

13 Q Where was it you got arrested for being in the
14 bar?

15 A Conroe.

16 Q Do you know if it was the city police or the
17 TABC?

18 A No, I do not.

19 Q The shoplifting, where did that happen?

20 A Conroe.

21 Q When was the disposition of the shoplifting
22 charge?

23 A I don't -- I was already -- by the time they
24 dealt with it, I was already arrested for this. So
25 there was a lawyer that knew me and just came up there

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1 and I don't know what he did, but I never had to deal
2 with it.

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3 Q The under age in the bar, how was that --

4 A He dealt with both of those issues at the same
5 time.

6 Q Approximately how old were you when you had
7 the under age in a bar case?

8 A 18.

9 Q Have you ever had any illnesses that required
10 hospitalization?

11 A No.

12 Q All right. So we're going to go back now and
13 we're going to start talking about the actual event that
14 forms the basis of the suit.

15 And so when did you first meet Murray Burr?

16 A At school.

17 Q Am I correct that Mr. Burr was a janitor at
18 the high school?

19 A Yes.

20 Q Did you ever know Mr. Burr before you went to
21 the high school?

22 A I did not personally, no.

23 Q So I understand that Mr. Burr lived across the
24 street from one of your relatives; is that right?

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25 A Yes.